

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIO CHAVEZ-CHAVEZ,

Plaintiff,

v.

BERNARD C. BARMANN, et al.,

Defendants.

Case No. 1:25-cv-00865-KES-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION WITHOUT PREJUDICE FOR
PLAINTIFF'S FAILURE TO PROSECUTE
AND FAILURE TO OBEY COURT
ORDERS

(Doc. 7)

Plaintiff Mario Chavez-Chavez (“Plaintiff”), proceeding pro se, initiated this action with the filing of a complaint on July 16, 2025. Doc. 1. Plaintiff did not pay the filing fee in this action and, instead, applied to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. Doc. 2. Upon review of plaintiff’s IFP application, the magistrate judge ordered plaintiff to file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)—AO 239, noting that plaintiff’s IFP application demonstrated that plaintiff’s income and resources could be above the poverty threshold. Doc. 3. Plaintiff failed to either file a completed AO 239 form or pay the filing fee by the deadline set by the Court and, thereafter, plaintiff was ordered to either show cause in writing why sanctions should not be imposed for failure to obey a court order, or alternatively, file a completed and signed AO 239 form or pay the filing fee. Doc. 6. Plaintiff again failed to file the AO 239, pay the filing fee, or otherwise respond to the Court’s order.

1 On September 2, 2025, the assigned magistrate judge issued findings and
2 recommendations to dismiss the action without prejudice for plaintiff's failure to prosecute and
3 failure to obey Court orders. Doc. 7. The findings and recommendations were served on plaintiff
4 and contained notice that plaintiff had 14 days to file objections. *Id.* at 4-5.

5 On September 19, 2025, the findings and recommendations were returned by the U.S.
6 Postal Service marked "Undeliverable, Return to Sender, Insufficient Address, Unable to
7 Forward." Nevertheless, the Court's service is deemed fully effective pursuant to Local Rule
8 182(f). As of the date of this order, more than 14 days have passed and plaintiff has not filed
9 objections to the findings and recommendations.

10 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
11 this case. Having carefully reviewed the file, the Court concludes that the findings and
12 recommendations are supported by the record and by proper analysis.

13 Accordingly:

- 14 1. The findings and recommendations issued on September 2, 2025, Doc. 7, are
15 adopted in full;
- 16 2. This action is dismissed without prejudice for plaintiff's failure to prosecute and
17 failure to obey Court orders; and
- 18 3. The Clerk of the Court is directed to close this case.

19
20 IT IS SO ORDERED.

21 Dated: October 7, 2025



22

UNITED STATES DISTRICT JUDGE

23
24
25
26
27
28